IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.390 of 2005

Between:

1 B. Siddardha Kumar, S/o. B. Nageshwara Rao,
R/o. Flat No. 101, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
2 S. Reddy Krishna Murthy, S/o. Late Subbarayudu,
R/o. Flat No. 103, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
3 S. Suryaprakash, S/o. S. Venkaiah,
R/o. Flat No. 201, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
4 P. Vikram Shaw, S/o. P. Ramashew,
R/o. Flat No. 203, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
5 K. Ram Mohan Rao, S/o. K. Venkata Rangaiah,
R/o. Flat No. 302, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
6 M.V.B.G. Tilak, S/o. M.V.N. Swamy,
R/o. Flat No. 303, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
7 Smt. G.M. Santha, W/o. Kumar,
R/o. Flat No. 402, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.
8 B. Sridhar Babu, S/o. B. Sivaramakrishna,
R/o. Flat No. 501, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.

9 A. Siva Prasad, S/o. Badavapuranaiah,
R/o. Flat No. 503, Sri Sai Residency, H.No.6-1-690 to 972, Opp. Public Library, Khairatabad, Hyderabad-500 004. A.P.

..... PETITIONERS

AND

1 The Municipal Commissioner, Hyderabad Municipal Corporation, Hyderabad A.P.

2 Mr. Arunkumar, S/o. Mr. Siva Dayal,
Plot No.6-1-948, 949 to 950, Khairtabad, Hyderabad. A.P.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction particularly one in the nature of writ of Mandamus, declaring the inaction of the first respondent herein in not taking action against the illegal construction being made by the second respondent in his Plot Bearing No.6-1-948 to 950 Khartabad, near Public Library, Hyderabad, A.P., and not taking action on the representations of the Writ Petitioners herein dt. 7.1.2005 as illegal, arbitrary and unjust and consequently to direct the first respondent to demolish the illegal construction made by the second respondent in violation of the sanctioned plan after calling for the records.

Counsel for the Petitioners: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

Counsel for the Respondent No.2: ---

The Court, at the admission stage, made the following:

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ORDER:

The grievance of the petitioners in this writ petition is that when the 2nd respondent in violation of the sanctioned plan started illegal construction in Plot Nos.6-1-948 to 950 situated at Khairatabad, Near Public Library, Hyderabad, they made a representation dated 07.01.2005 to the 1st respondent-Commissioner marking copies thereof to the Town Planning Officer, Circle-5, Hyderabad, the City Chief Planning Officer, Hyderabad and to others, but so far no action is being taken. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners and learned Standing Counsel for respondent-Municipality, and with their consent, the writ petition itself is disposed of at the stage of admission. Learned standing counsel for respondent-Municipality further submitted that the Town Planning Officer, Circle V, Hyderabad and the City Chief Planning Officer, Municipal Corporation of Hyderabad, Hyderabad are competent authorities for taking necessary action in the matter.

Since the representation of the petitioners dated 07.01.2005 is said to be pending consideration before the respondent-Municipality, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The Town Planning Officer, Municipal Corporation of Hyderabad, Circle-5, Hyderabad and the City Chief Planning Officer, Municipal Corporation of Hyderabad, Hyderabad, are directed to consider the representation made by the petitioners dated 07.01.2005 and inspect the plots in question, if necessary, and after affording an opportunity of hearing to the 2nd respondent take necessary action in the matter, in accordance with law. The entire exercise should be completed within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 20.01.2005

(B/O)

Note: Registry to mark a copy of this order to

1).. The Town Planning Officer, Municipal Corporation of Hyderabad, Circle 5, Hyderabad.

2).. The City Chief Planning Officer, Municipal Corporation of Hyderabad, Hyderabad.

Issue CC in two days

Nsr

To

1 The Municipal Commissioner, Hyderabad Municipal Corporation, Hyderabad,A.P.
2).. The Town Planning Officer, Municipal Corporation of Hyderabad, Circle 5, Hyderabad.

3).. The City Chief Planning Officer, Municipal Corporation of Hyderabad, Hyderabad.

4).. Two CD copies.